

September 15, 2008 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, September 15, 2008 at 7:05 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello

Councillor Barbara A. Barrow

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia, Members Present

ACTING AS A BOARD OF LICENSE COMMISSION

Councillor Silveira recused himself from acting on the following item of business, due to a possible conflict of interest.

- 1. Application of Earnest R. Budlong dba The Back Room Pub Restaurant, 999 West Main Road, Middletown, for a Retailer's Class BV Alcoholic Beverage License for the 2007-2008 licensing year. (NEW; Requires advertising for public hearing and notice to abutters)**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to advertise said license application for a public hearing to be held at the October 20, 2008 regular meeting of the board.

CONSENT CALENDAR

Council President Rodrigues requested that item #2 be heard under the rules of the Town Council portion of the docket.

1. Approval of Minutes – Regular Meeting, September 2, 2008.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

2. Memorandum of Town Administrator, with enclosures, re: New Middletown Police Station – Progress Report No. 2.

Council President Rodrigues expressed concern about the change orders for the new police station.

Town Administrator Shawn Brown explained that bid alternates were added due to allowance in the budget.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum and report.

3. Communication of Town Administrator, re: Former Navy Lodge Property.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

4. Communication of Town Administrator, with enclosures, re: Construction Manager – West Main Road Sewer.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

TOWN COUNCIL

1. Application of Dawn Martin dba Spirit Halloween, 1360 West Main Road, for a Holiday License for the 2008-2009 licensing year. (NEW)

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license.

2. Memorandum of Town Planner, with enclosures, re: 2008 – EPA Brownfields Grant – Town Center Park in the Valley.

Town Planner Ron Wolanski noted that these funds would be for the remediation of the Kempenaar Valley Park. This is the first phase in the development of the park, which needs to be taken from agricultural land to a recreational area. The total cost would be dependent upon the amount of area developed.

The Council expressed concern with timeline and total cost of

project.

Town Administrator Shawn Brown noted that the grant monies will be matched with funds from the Capital Improvement Program.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

3. Resolution of the Council, re: Approving acceptance and the authorization of Town matching funds.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

4. Memorandum of Town Administrator, with enclosures, re: Traffic Signage Improvement Request for Oxbow Community.

Chief Pesare addressed the Council, requesting their support of Danielle McCalla's recommendation for the addition of crosswalks and signage in the Oxbow Community.

Danielle McCalla, 213 Rogers Lane, noted that the request for the children at play, bus signs and crosswalks in the Oxbow Community is her Senior Class project. Danielle, working with Sergeant Minnella, circulated a petition for the residents to sign in support of the safety improvements.

Council President Rodrigues thanked Danielle McCalla for her efforts as well as Sergeant Minnella noting that they have made a difference in the community.

Diane Seaman, 213 Rogers Lane, noted her support for the Traffic Signage Improvement Project, explaining safety education is needed in the Oxbow Community. Ms. Seaman thanked Police Chief Pesare

and Sergeant Minnella for their support of this project.

Sandra Mozatzo, 48 Rogers Lane, expressed her support of the Traffic Signage Improvement Project. Ms. Mozatzo noted that the children in Oxbow do not use the sidewalks or crosswalks and expressed concern with the speed of cars in the area.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

5. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code. (Oxbow Community)

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

**6. Memorandum of Town Administrator, with enclosures, re:
Purchase of Detective Vehicle.**

**On motion of Vice Chair Mello, duly seconded, it was voted
unanimously to receive said memorandum.**

**7. Resolution of the Council, re: Approving Purchase of Detective
Vehicle.**

**On motion of Vice Chair Mello, duly seconded, it was voted
unanimously to pass said resolution.**

**8. Memorandum of Town Administrator, with enclosure, re:
Purchase of Vehicle for Building Inspector.**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

9. Resolution of the Council, re: Approving Purchase of Vehicle for Building Inspector.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

10. Communication of Town Administrator, with enclosures, re: SPF-SIG and RISAPA Grants Budgets.

Town Administrator Shawn Brown explained the SPF-SIG and RISAPA grants are for the Substance Abuse Task Force operating budget.

On motion of Mello, duly seconded, it was voted unanimously to receive said communication.

11. Resolution of the Council, re: Approving the FY2009 SPF-SIG and RISAPA Budgets.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

12. Memorandum of Town Administrator, with enclosures, re: Pavement Preservation – Crack Sealing.

Town Administrator Shawn Brown noted that the Pavement Preservation- Crack Sealing Program is not for failed roads. The Roads and Utilities Committee have compiled a list of roads for the crack sealing program. The work will begin before the second week in October, area residents will be notified.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

13. Resolution of the Council, re: Approving Pavement Preservation – Crack Sealing.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

14. Memorandum of Town Administrator, with enclosures, re: Intersection - Green End and Valley Road intersection.

Town Administrator Shawn Brown reviewed his memo entered below.

Town Administrator Shawn Brown expressed concern with Option B due to the reduction in size of the intersection.

The consensus of the Council is to continue with the original proposal in regards to the Green End Avenue/Valley Road intersection.

On motion of Vice, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Councillor Sylvia, duly seconded, it was voted unanimously to direct the Town Administrator to pursue the original proposal for Green End Avenue and Valley Road with a deadline of 2010.

15. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

16. Resolution of the Council, re: Authorizing cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

17. Communication of Stephen H. Burke, Esquire, Ratcliffe Burke Harten & Elias, LLP, re: Clambake Club of Newport Application for Rhode Island Pollution Discharge Elimination Permit (RIPDE) – Requesting Council to forward a request to DEM seeking a public hearing on the matter.

Assistant Town Solicitor Michael Miller recused himself from acting on the following item of business, due to a possible conflict of interest.

Stephen Burke, Esquire, 1600 Financial Plaza, Providence, representing the Friends of Easton's Point, noted his clients concern with the Clambake Club's request to continue activities such as skeet shooting which allow pollutants into the waters. Mr. Burke's clients feel that the public should be involved and are requesting the Town Council to submit a letter to DEM to hold a public hearing on this matter.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to submit a written request to DEM seeking a public hearing on Clambake Club of Newport's Application for Rhode Island Pollution Discharge Elimination Permit.

18. Appointment of one (1) member to the Middletown Personnel Review Board to complete a term expiring June 2009. (Bi-partisan Board)

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to appoint Ellen Boyzon to the Middletown Personnel Review Board to complete a term expiring June 2009.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5 (a) (2) litigation, (5) land acquisition and (1) personnel (Reserve Call – Active duty, Collective Bargaining (Public Works) and Substance Abuse Coordinator).

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to recess this meeting at 8:28 P.M. and reconvene in executive session.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to reconvene this meeting in open session at 9:40 P.M.

On motion of Vice Chair Mello, duly seconded, it was voted

unanimously to approve the Town Administrator's recommendation pertaining to the Substance Abuse Task Force Coordinator.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 9:42 P.M.

**Karin H. Clancey
Deputy Town Clerk**